

# CITY OF NEWPORT

## DOCKET OF THE COUNCIL

*The following items of business, filed with the City Clerk under the rules of the Council, will come before the Council at its regular meeting to be held on August 12, at 6:30 p.m.*

### PLEDGE OF ALLEGIANCE TO THE FLAG

#### **CITIZEN'S FORUM:** (Speakers must sign in with the City Clerk)

The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **CONSENT CALENDAR.** THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.
  - a. Minutes: April 8, 2009; April 22, 2009; May 6, 2009; May 13, 2009; July 22, 2009 (Approve)
  - b. Special Event Licenses:
    - 1) Royal Arts Foundation, d/b/a Music at Belcourt Castle; 657 Bellevue Ave., August 21, 2009; September 18, 2009; November 20 and 29, 2009; and December 18, 2009; from 7:00 p.m. to 10:00 p.m.
    - 2) Newport Restoration Foundation, d/b/a Doris Duke Historic Preservation Awards; Rough Point, 680 Bellevue Ave., September 18, 2009, from 6:00 p.m. to 8:00 p.m.
    - 3) 12 Metre North American Assoc., d/b/a 12 Metre North American World; Bowen's Wharf, September 23, 24 and 25, 2009, from 2:00 p.m. to 8:00 p.m.

*It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all applications and communications, can be viewed on the City of Newport website: [www.cityofnewport.com](http://www.cityofnewport.com) – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meeting can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting is also available at the Newport Public Library within 48 hrs. of the meeting.*

- 4) Newport Festa Italiana: Italian Marketplace, Touro Park, October 10, 2009, from 11 a.m. to 4 p.m.; Tenors at Belcourt Castle, October 11, 2009, from 7:00 p.m. to 10:00 p.m., and the Annual Columbus Day Parade, October 12, 2009, from 12:00 Noon to 1:00 p.m. (stepping off in front of St. Joseph's Church)
- c. Catering License, Renewal, NWPT, Inc., d/b/a One Eighty°, 8-10 Broadway.
- d. Holiday Selling License, New, Tsering Ngamdung, d/b/a Global Import, 411 Thames St.
- e. Holiday Selling License, Renewals:
  - 1) Dennis C. Kelley, d/b/a D. Kelley Fine Used Books, 330 Broadway
  - 2) Megan McGuire, d/b/a The Linen Shop, 196 Bellevue Ave.
  - 3) Scooters of Newport, Inc., d/b/a Scooters, 476 Thames St.
- f. Horse-drawn Carriage License, Capt. Michael F. Waters, Commonwealth Farm & Carriage, LLC, 87 Annette Dr., Portsmouth, RI; September 4, 2009 , from 4:00 p.m. to 6:00 p.m.
  - Departing from the Hyatt Hotel, Goat Island and proceeding to St. Spridon's Greek Orthodox Church, 390 Thames St. , returning to Bel Mer, Goat Island at approximately 5:30 p.m.
- g. Pedicab Operator's License:
  - 1) James Dussault, 67 Sloop St., Jamestown, RI
  - 2) Sean P. Galvin, 36 Red Cross Ave., Newport, RI
  - 3) Robert T. Grillo, 1 Elm St., Newport, RI
  - 4) A. Alex Little, 9 Stockholm St., Newport, RI
  - 5) Seth Nagle, 100 Ochre Point Ave., Newport, RI
- h. Second-hand License, Renewal, Dennis C. Kelley, d/b/a D. Kelley Fine Used Books, 330 Broadway.
- i. Second-hand License, Temporary, Circa, Inc., d/b/a Circa, 415 Madison Ave., New York, NY; jewelry buying event, August 14 and 15, 2009, at Three Golden Apples, 140 Bellevue Ave.

- j. Solid Waste Hauler, Renewal:
  - 1) ABC Disposal Service, Inc., 1245 Shawmut Ave. , New Bedford, MA
  - 2) A Star Waste Disposal, Inc., P.O. Box 2485, Pawtucket, RI
  - 3) TLA-Providence, LLC, d/b/a TLA-Pond View, 1 Dexter Rd, East Providence, RI
  
- k. Communication from the Friends of Ballard Park, asking to reschedule the Vejadu concert to August 20, 2009, from 6:30 p.m. to 8:00 p.m. (prior to screening of “Finding Nemo”). (Approve subject to details being worked out with the city administration)
  
- l. Communication from the Rev. Dr. Vincent L. Thompson, Jr., Pastor, Community Baptist Church, 50 Dr. Marcus F. Wheatland Blvd., requesting permission to close Burnside Ave., from Dr. Marcus F. Wheatland Blvd. to Bosworth Ct., on August 29, 2009, from 12 Noon to 4:00 p.m. for a neighborhood barbeque. (Approve subject to details being worked out with the city administration)
  
- m. Communication from Marty Grimes, 111 Champlin Place No., asking permission to close Champlin Place North, between Kay Street and Ellery Road, on September 6, 2009, from 4:00 p.m. to 9:00 p.m., for a neighborhood block party. (Approve subject to details being worked out with the city administration)
  
- n. Communication from Bart Carithers, Director of Student Activities, Salve Regina University, asking permission to set up an “event station” in Eisenhower Park on September 11, 2009, from 3:00 P.M. to 8:00 p.m. (Approve subject to details being worked out with the city administration)
  
- o. Communication from Nancy Piffard, Show Director, Newport International Boat Show, asking permission to display boats in the triangle in Washington Sq., on Long Wharf, and on the corner of the Humphrey J. Donnelly, III, Transportation & Visitors Center site. (Approve subject to details being worked out with the city administration)

- p. Communication from Naomi Neville, Chair, Planning Board, re: Proposed Zoning Amendments/Historic District (Receive)
- q. RI Ethics Commission Request for Comment: New General Commission Advisory 2009-1: Nepotism. (Receive)
- r. CRMC Notice of Intention to change management plans, policies, procedures and regulations—Metro Bay Special Area Management Plan. (Receive)
- s. CRMC Notice of Intention to change management plans, policies, procedures and regulations—Management Program; Metro Bay Special Area Management Plan; Inner Harbor and River Zone Requirements. (Receive)

### **LICENSES & PERMITS**

- 2. Application for a Class A & B (indoor/outdoor) Entertainment License, Forty 1 North, LLC, d/b/a 41° North, 351 Thames St. and 14-20 Perry Mill Wharf; inside building located at 351 Thames St. (Christie's Landing), first and second floors, porch, patio and deck areas; inside building located at 14 Perry Mill Wharf, first and second floors (indoors only), in conjunction with approval of a Class BT alcoholic beverage license. (Second Hearing)
- 3. Application for a Second-hand License, New, Corey Breton, d/b/a Breton Company, 99 Spring St. (Hearing)

### **COMMUNICATIONS & PETITIONS**

- 4. Communication from the Off Broadway Neighborhood Association, re: presentation of historical panel for Equality Park.

### **RESOLUTIONS**

- 5. Commending Ray Fullerton, Beach Manager, for superior performance and significant achievement in being recognized in *Rhode Island Monthly* magazine's "BEST of Rhode Island" program for implementing the Beach Bounce at Easton's Beach – City Council

6. Installation of sign listing Newport's Sister Cities – M. Connolly

### **ORDINANCES**

7. Amending Chapter 2.114.030, entitled, "Use of Competitive Negotiation in Award of Contracts – Procedures. (First Reading)
8. Amending Chapter 5.12.040, entitled, "Alcoholic Beverage Licenses, Number of Licenses Permitted," to decrease the number of Class BL licenses from 12 to 11. (First Reading)
9. Amending Chapter 10.32.110, entitled, "Designated Residential Parking Streets," to ADD: (A) School St., six p.m. to six a.m., Monday to (and including) Friday; and (C) School St., from six a.m. Saturday to six a.m. Monday. (Second Reading)

### **COMMUNICATIONS FROM THE CITY MANAGER**

10. Communication #4563/09, re: CDBG-R Stimulus Funds – Contract Document for Street Paving (with accompanying resolution)
11. Communication #4564/09, re: Coastal Extreme Brewing—Electric Service Easement (with accompanying resolution)
12. Communication #4565/09, re: Bid Award for Harbor Shuttle—Land Side Facilities Construction (with accompanying resolution)
13. Communication #4566/09, re: Feeding of Birds at Easton's Beach—Prohibition (with accompanying ordinances)
14. Communication #4567/09, re: Bid Award for Medium-duty, Type III Rescue/Ambulance (with accompanying resolution)
15. Communication #4568/09, re: Sewer Rate Increase (with accompanying ordinance)



16. Communication #4569/09, re: Bid Award for Poplar Street Driftway Project (with accompanying resolution)
17. Communication #4570/09, re: Long Wharf Force Main Repair – CWSRF Funding (with accompanying resolution)
18. Communication #4571/09, re: Bid Award for Water Quality Protection and Source Water Assessment Plan (with accompanying resolution)
19. Communication #4572/09, re: Consent Agreement – Lawton Valley Treatment Plant, Notice of Violation (with accompanying resolution)
20. Communication #4573/09, re: Amendment #2 – Professional Services as City Advisor for Water Treatment Plant Improvements, Project #08-028 (with accompanying resolution)
21. **Based upon an affirmative vote of the majority of Council Members, the City Council will ADJOURN to Executive Session**, pursuant to Rhode Island General Laws, Section 42-46-1, as amended, and in accordance with Section 42-46-5, Purposes for Which Meeting May be Closed, “(a) (2) Sessions pertaining to ..... litigation...” and “(a)(5) Disposition of Publicly-held Property.” The Executive Session will be held in the Conference Room, located on the second floor of City Hall, during which the Council will discuss: (1) pending litigation, re: (a) RI Core Investments Inc. v. City, and (b) Environment RI, et al, v. City & EarthTech, Inc.; and (2) disposition of publicly held property—Sheffield School.

Kathleen M. Silvia  
City Clerk

August 5, 2009